developing a new process complex in place of the BHN-Platform by post-monsoon 2008.

(v) ONGC have authorized SCI to re-float Samudra Suraksha. This is likely to be completed by April 2006.

To prevent any further accidents of the type, the following steps have been taken:

- Instructions have been issued for the safe movement of vessels offshore, specifically when the vessels are approaching offshore installations.
- Operating Manual for Safe Operating Procedure (SOP) of Offshore Supply Vessels (OSVs) has been firmed up and approved. It is being vetted by M/s Shell.
- Mandatory Sea Survival and Basic Fire Fighting for all offshore crew, both ONGC and contractor's
- Modification of Management of Change system.

Further action/steps will also be examined after receipt of the Inquiry Committee reports.

Stamp duty on green market transactions

*390. SHRI ABU ASIM AZMI: Will the Minister of FINANCE be pleased to state:

(a) whether Government have received representation from the Association of National Stock Exchange Members of India (ANSEMI) stating that equal investors have to pay stamp duty twice on all green market transactions routed through terminals located outside Maharashtra;

(b) if so, the details of other issues raised therein;

(c) whether any intervention of his Ministry has prompted the State Government of Maharashtra to revise its earlier decision;

(d) whether Government are aware that Maharashtra Government has decided to revise its earlier decision in this regard; and

(e) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): (a) to (e) Under the Constitution of India, Stamp Duties (but not including rates of stamp duty) falls under Entry 44 of the Concurrent List. The Central Government has powers to fix the rates of stamp duty in respect of 10 instruments specified in Entry 91 of the Union List, whereas States have the powers in respect of the remaining instruments by virtue of Entry 63 of the State List. The revenue from stamp duty is collected and appropriated by the State in which it is leviable. The Indian Stamp Act, 1899, lays down the law relating to Stamps.

The Government of Maharashtra made an amendment in the Bombay Stamp Act, 1958, through the Bombay Stamp (Amendment) Ordinance, 2005 (which has since been replaced by an Act of State Legislature), *inter-alia*, inserting Article 51A which provides that record of transactions (electronic or otherwise) effected by a trading member referred to in section 10B, shall be subject to rates of stamp duty specified in this Article. The effect of this amendment is that records of all transactions carried out in stock exchanges located in Maharashtra (like BSE and NSE) shall be subjected to stamp duty in Maharashtra, irrespective of where the brokers or the investors are locted.

The Association of National Stock Exchange Members of India (ANMI) had made a representation to the Government of India, *inter-alia*, stating that the amendment made by Government of Maharashtra amounts to extra-territorial application of law since NSE members are located in every State of India, that the provisions of Article 51A are ambiguous in the sense that they do not clearly specify as to which instrument or record of transactions (out of a number of records created during transactions) shall be liable to stamp duty, and also that it tries to circumvent the Central laws and seeks to levy a Security Transaction Tax, in the garb of stamp duty.

The Government of India, Ministry of Finance, had taken up the matter with the Government of Maharashtra, requesting them to reconsider their decision, as the amendment made by the State Government may lead to inter-state jurisdictional disputes, lead to avoidable litigation, and adversely affect the national character of stock exchanges, thereby hampering development of capital market in the country. The Government of Maharashtra has informed that the matter is under their consideration and that the final decision is not yet taken.

A writ petition has been filed before the Hon'ble Delhi High Court challenging the validity of the amendment.

Availability of LPG cylinders at Fair Price Shops for BPL families

*391. SHRI NANDI YELLAIAH: Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether the State Government of Andhra Pradesh has requested the Union Government to issue orders permitting distribution of LPG cylinders to the Below Poverty Line families through Fair Price Shops by storing upto 7 cylinders in each F.P. shop at any point of time which could be distributed without any license, as 28 lakh BPL families who had been given gas connections, are not in a position to go to far-off places, where Agencies are located for Gas Refills; and

(b) if so, the action taken in this regard?

THE MINISTER OF PETROLEUM AND NATURAL GAS AND MINISTER OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR): (a) and (b) There was a proposal from Andhra Pradesh Government to permit the distribution of LPG cylinders to the beneficiaries under the State Government's Deepam Scheme through Fair Price Shop (FPS) dealers by storing upto 6 cylinders at any point of time without any licence. However, this proposal was not supported by the Public Sector Oil Marketing companies (OMCs) *inter-alia* on account of the following reasons:-

(i) It would be difficult to keep a check on the diversion of domestic LPG cylinders for unauthorized commercial use.

(ii) At present, OMCs make delivered supplies of filled cylinders to the distributors' godowns. Additional transportation costs from the distributor's godown to each of the sub-distributors locations would need to be worked out separately. The issue of sharing of distributor's commission between the existing distributor and the proposed sub-distributor would also need to be settled. The inclusion of these costs in the price would made the monitoring of end selling prices difficult.